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REMARKS/ARGUMENTS

Pending claims 1-3, 6-7 and 12-14 stand rejected under 35 U.S.C. §103(a) over U.S. Publication No. 2003/0125073 (Tsai) in view of U.S. Patent No. 6,240,079 (Hämäläinen). As to claim 1, this rejection is overcome because neither reference anywhere teaches or suggests the recited comparison of SIM data with a local copy of an authorized user data file in a base station and granting access based thereon (or indicating an access failure). Still further, the cited references nowhere teach or suggest that data transmission remains within limits of a desired level of service via dynamically adjusted time slots and at least one short-range wireless medium. As such, the proposed combination falls far short of teaching or suggesting the recited subject matter, and one of ordinary skill would have no reason to make the combination.

As to the first missing element, the Office Action relies on Tsai for teaching of the recited comparison and granting of access or indicating an access failure. Specifically, the Office Action refers to paragraphs 24-26, 30 and 36 of Tsai. Yet nothing in these paragraphs or anywhere else in Tsai mentions either presence of "a local copy of an authorized user data file" in a base station or "indicating an access failure" if a comparison doesn't indicate a match. This is not surprising, as Tsai is not directed to security mechanisms; it is instead concerned with avoiding paging loss by selection of a suitable cell. Look carefully at the cited portions of Tsai: all that can be gathered is that a mobile station sends a directory number of a SIM card to a base station ("Using the information of the directory number..., the mobile phone 100 can access the services provided by the mobile network ...." Tsai, ¶24). Nothing however is mentioned what the base station does with this information. As such, Tsai utterly fails to teach or suggest that contended by the Office Action.

Still further, the Office Action concedes that Tsai does not teach the recited dynamic time slot adjusting. Instead, the Office Action relies on Hämäläinen for a teaching of dynamic adjusting of time slots. However, Hämäläinen nowhere teaches or suggests performing data transmission using both dynamically adjusted time slots and at least one short-range wireless medium. Nor does Tsai. In this regard, while the Office Action notes that Tsai teaches that two different mobile networks can be of different protocols, nothing in Tsai anywhere teaches or suggests that time slots are *dynamically adjusted during a single data transmission* occurring on both a wireless medium and a short-range radio medium. Instead, Tsai merely teaches that a mobile station can *stand by* for two networks. As such, this rejection cannot stand.

The rejection of claim 1 over the proposed combination is further improper, as there is no legally sufficient motivation to combine the references. In this regard, all that the Examiner states is that it would have been obvious to modify Tsai and Hämäläinen, then the Office Action proceeds to recite the subject matter of claim 1. Office Action, pp.3-4. This alleged motivation is conclusory and lacks a legally sufficient basis for the proposed combination. *In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2001). Even further, it is apparent that the proposed combination is nothing more than hindsight-based reconstruction, in contravention of well established Federal Circuit precedent. *E.g., In re Kotzab*, 55 U.S.P.Q.2d 1313,1316-17 (Fed. Cir. 2000). Accordingly, the rejection of claim 1 and its dependent claims is clearly erroneous. For at least these reasons claim 1 and the claims depending therefrom are patentable over the proposed combination.

Independent claim 12 and the claims depending therefrom stand rejected under 35 U.S.C. § 103(a) over Tsai and Hämäläinen. However, as to this claim, the Office Action appears to contend that Tsai, standing by itself, teaches the recited subject matter.

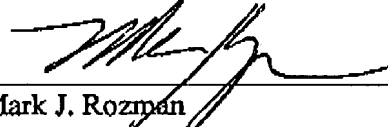
This is clearly not the case, as Tsai nowhere teaches or suggests multiple transceivers in its mobile station. As such, nothing in Tsai can anywhere teach or suggest instructing such multiple transceivers to communicate only via a common wireless medium. Furthermore, in addition to the lack of multiple transceivers for two different wireless media, there is no teaching or suggestion that communication by these two (non-existent) transceivers occurs through the mobile station only via a common wireless medium. Instead, in Tsai communication occurs with a first wireless network or a second wireless network: there is no common wireless medium. Nor does Hämäläinen add anything in regard to the subject matter of claim 12. Accordingly, for at least these reasons claim 12 and the claims depending therefrom are patentable.

It is noted that there is no basis in the Office Action for rejection of claims 16 or 17. Clearly then, these claims are patentable.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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